

Application No.: 10/521,913
Amendment Dated: February 24, 2006
Reply to Office Action of: November 29, 2005

ARGM-106US

Amendments to the Drawings:

Please replace the original sheet including FIG. 30 by the attached sheet including FIG. 30. The Figure 30 has been designated by a legend "Prior Art". The replacement sheet has been labeled with "Replacement sheet" in the page header.

Application No.: 10/521,913
Amendment Dated: February 24, 2006
Reply to Office Action of: November 29, 2005

ARGM-106US

Remarks/Arguments:

In response to the Examiner's indication in the paragraph 1 of the Office Action of November 29, 2005, the figure 30 has been designated by a legend "Prior Art". The replacement sheet has been labeled with "Replacement sheet" in the page header.

The Office Action Summary states that Claims 1-17 are pending in the application. Applicants respectfully submit that this is in error. Claims 2-6, 8, 10, 13-15 and 17 were canceled in a PCT Article 34 Amendment submitted to the USPTO on January 20, 2005. This amendment has not been acknowledged by the Examiner. Enclosed with this Amendment is a copy of the previously submitted Article 34 amendment and a copy of a return postcard verifying that the original amendment was received at the USPTO on January 20, 2005.

Applicants respectfully request that the Examiner acknowledge receipt of this amendment and its entry into the prosecution record of the present application.

In view of the Article 34 amendment, Claims 1, 7, 9, 11, 12, and 16 are pending in the application. Claims 1, 7, 9, 11, 12, and 16 stand rejected.

Claims 1 and 9 have been amended. Claim 11 has been canceled.

In this response, Applicants submit new claims 18 and 19 and respectfully request consideration of these new claims by the Examiner.

Claims 2-6, 8-10 and 13-17 have been rejected under 35 U.S.C. §112, second paragraph. Regarding claim 2, the claim has been previously cancelled. Regarding claim 9, the claim has been appropriately amended. Regarding claim 10, the claim has been cancelled. Withdrawal of the rejection is respectfully requested.

Claim 11 has been rejected under 35 U.S.C. §102(b) as being anticipated by Isobe (U.S. 6,019,285). Claim 11 has also been rejected under 35 U.S.C. §102(e) as being anticipated by Tokitsu (U.S. 6,937,162). The rejection is rendered moot by the previous cancellation of claim 11.

Application No.: 10/521,913
Amendment Dated: February 24, 2006
Reply to Office Action of: November 29, 2005

ARGM-106US

Claims 1-17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Aito (U.S. 5,991,689). As previously stated, claims 1, 7, 9, 11, 12 and 16 were the only claims pending in the application at the time the Office Action was issued. The remaining claims, indicated as rejected, have been cancelled. The pending claims are patentable over the art of record for the reasons set forth below.

Aito teaches a navigation apparatus for a vehicle which makes it possible to determine properly and reasonably whether ordinary roads or toll roads are to be given priority during route determination. Thus, Aito can select proper interchanges for a special road, thereby making it possible to give priority to the special road.

Applicants' invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by Aito, namely:

... travel route setting means for setting a travel route ...

... operation mode setting means for setting whether or not to utilize an electronic toll collection system on said travel route ...

This feature is described in the originally filed application at page 14, line 35 et. seq. where a discussion relating to electronic toll collection (ETC) appears:

The CPU 230 includes an operation mode switching section 231 constituting operation mode switching means for switching to the inactive mode to prevent the ETC system from being utilized in response to the inactive mode setting signal received from the navigation apparatus 300 ...

Thus, when the exemplary embodiment of the present invention enters inactive mode, utilization of the electronic toll collection system along the travel route is prevented.

Aito simply selects which travel route should be used. This is different than Applicants' invention where utilization of electronic toll collection along the travel route is prevented. As explained in the originally filed application at page 5, lines 12-24, it is because the ability to communicate with electronic toll collection systems along the travel route can be prevented that the driver's ability to select

Application No.: 10/521,913
Amendment Dated: February 24, 2006
Reply to Office Action of: November 29, 2005

ARGM-106US

electronic toll collection lanes and non-electronic toll collection lanes is simplified. Furthermore, the driver is able to drive on non-electronic toll collection lanes without having to physically remove an electronic toll collection card from his vehicle. Accordingly, claim 1 is patentable over the art of record.

Claims 2-6, 8, 10-11, 13-15 and 17 have been previously cancelled.

Claims 7 and 12 are patentable by virtue of their dependency on allowable claim 1.

Claim 9, while not identical to claim 1, also includes the feature of "operation mode setting means for setting whether or not an electronic toll collection system is utilized on a travel route ...". Again, Aito neither discloses nor suggests whether an electronic toll collection system along the travel route should be used. Aito selects the travel route itself. If Aito's travel route includes an electronic toll collection system, Aito does not have the ability to prevent usage of that system. Accordingly, claim 9 is patentable over Aito.

Claim 16 is patentable by virtue of its dependency on allowable claim 9.

Claims 1-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by Fujimoto et al. (U.S. 6,684,156). Again, regarding claims 2-6, 8, 10-11, 13-15 and 17, these claims have been previously cancelled. The remaining claims are patentable over Fujimoto for the reasons set forth below.

Fujimoto teaches a navigation apparatus for displaying the relationship between the current vehicle position and the entirety of a monetary charging area as the vehicle approaches the monetary charging area. This makes it possible to easily determine a route which may be taken to avoid entry into the monetary charging area.

Again, as set forth above, Applicants' claim 1 includes the feature:

... operation mode setting means for setting whether or not to utilize an electronic toll collection system on said travel route ...

Application No.: 10/521,913
Amendment Dated: February 24, 2006
Reply to Office Action of: November 29, 2005

ARGM-106US

Again, the ability to control whether or not to utilize an electronic toll collection system is included in Applicants' claim 1. Fujimoto neither discloses nor suggests the ability to prevent utilization of an electronic toll collection system along the travel routes. Rather, Fujimoto determines which travel route should be chosen. Applicants' claimed feature thus is advantageous over Fujimoto for various reasons. One exemplary benefit has been stated above with regard to the ability to facilitate use of non-electronic toll collection lanes along electronic toll collection routes.

Accordingly, claim 1 is patentable over Fujimoto.

Applicants' claim 9, while not identical to claim 1, is also patentable over Fujimoto for the reasons set forth above.

Claims 18 and 19 are newly added. These claims are patentable over either Aito or Fujimoto by virtue of their dependency on allowable claim 1.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

Lawrence E. Ashery, Reg. No. 34,515
Mitchell D. Hirsch, Reg. No. 54,170
Attorney and Agent for Applicants

MDH/mdh/fp/ds

Attachments: Figure 30 (1 replacement sheet)
Article 34 Amendment (copy)
returned postcard (copy)

Dated: February 24, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: February 24, 2005

Deborah Spratt

MDH_I:\ARGM\106US\AMEND_01.DOC